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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/950,025
Filing Date: September 12, 2001
Appellant(s): WIEDERIN, SHAWN

Robin C. Clark
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed January 5, 2006 appealing from the Office
action mailed

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,260,024

SHKEDY

6,260,024

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims. The rejection can also be found in the final office action mailed on August 5, 2005.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 12-16, 18-19, 22-26, 28-29 and 43-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Shkedy, U. S. Patent 6,260,024.

As to claims 43-44, Shkedy a method of performing monetary transaction, and a computer-readable medium containing instructions for controlling at least one processor to perform a method for conducting a monetary transaction, comprising (abstract and Figs. 1-2):

- a) receiving payee, user, and amount information from a wireless device associated with a user (column 5 lines 2-35 and column 6 lines 40-47, 53-63 and column 8 lines 57-65 and column 11 lines 21-24 and Figs. 1-2; *specifically, "payee" corresponds to the seller, and "user" corresponds to the buyer in Shkedy's teaching*);
- b) identifying a first account associated with the user based on the user information (column 10 lines 1-10 and column 11 lines 8-12 and Fig. 2);

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- c) prompting a payee device associated with the payee, for information relating to a second account associated with the payee based on the payee information (column 6 lines 4-32 and column 11 line 64 – column 12 line 34 and Fig. 2);
- d) transfer funds based on the amount information between the first and the second account (column 18 line 37 – column 19 line 54).

As to claims 12 and 22, Shkedy teaches determining a user profile and a payee profile (column 16 line 65 – column 17 line 22).

As to claims 13 and 23, Shkedy teaches the user profile comprises at least one of financial information, device information, security information, historical information, transaction information or authorized recipient information (column 10 lines 1-25 and Fig. 2).

As to claims 14 and 24, Shkedy teaches the payee profile is based on information relating to a second account associated with the payee (column 17 lines 10-15).

As to claims 15 and 25, Shkedy teaches recording information about the transfer of the funds (column 10 lines 58-62 and Fig. 2).

As to claims 16 and 26, Shkedy teaches wherein the wireless device includes at least one of a personal digital assistant (PDA) and a cellular telephone, a household appliance (column 6 lines 40-45 and column 8 lines 57-65 and column 9 lines 12-14).

As to claims 18 and 28, Shkedy teaches the user information comprises at least one of personal information about the user, a name and an address (column 10 lines 1-25).

As to claims 19 and 29, Shkedy teaches encrypting information and monitoring user information (column 10 line 63 – column 11 line 17).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-6, 8-9, 32-36, 38-39, 41-42 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shkedy, U. S. Patent 6,260,024.

As to claims 42 and 45, Shkedy teaches a monetary transaction system and a network device, comprising (abstract and Figs. 1-2; *specifically, "a monetary transaction system" corresponds to item 200 in Figs. 1-2*):

- a) receiving payee, user, and amount information from a wireless device associated with a user (column 5 lines 2-35 and column 6 lines 40-47, 53-63 and column 8 lines 57-65 and column 11 lines 21-24 and Figs. 1-2);
- b) identifying a first account associated with the user based on the user information (column 10 lines 1-10 and column 11 lines 8-12 and Fig. 2);
- c) identifying a second account associated with the payee based on the payee information (column 10 lines 11-25 and column 11 lines 13-16 and Fig. 2);
- d) transfer funds based on the amount information between the first and the second account (column 18 line 37 – column 19 line 54);

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e) sending a notification of purchase confirmation to the wireless device (column 6 lines 40-47 and column 8 lines 57-65 and column 10 lines 48-52 and column 17 lines 61-64).

Shkedy does not specifically teach sending a notification of the transfer of the funds to the wireless device, and the notification including an itemization of goods or services associated with the transfer. However, Shkedy teaches sending a notification of purchase confirmation to the wireless device (column 6 lines 40-47 and column 8 lines 57-65 and column 10 lines 48-52 and column 17 lines 61-64) and the notification including purchase order tracking number (column 10 lines 48-52). It would have been obvious to one of ordinary skill in the art to allow the notification in Shkedy's teaching to include the feature of sending a notification of the transfer of the funds to the wireless device for allowing the payee or the user to aware the transaction immediately, and further allowing the notification in Shkedy's teaching to include an itemization of goods and services associated with transfer for allowing the payee or the user to better acknowledge the items that will be delivered.

As to claims 2 and 32, Shkedy teaches wherein the payment processing system includes a profile determination device that determines at least one of a user profile and a payee profile (column 16 line 65 – column 17 line 22).

As to claims 3 and 33, Shkedy teaches the user profile comprises at least one of financial information, device information, security information, historical information, transaction information or authorized recipient information (column 10 lines 1-25 and Fig. 2).

As to claims 4 and 34, Shkedy teaches the profile determination device determines a payee profile based on at least one of a look-up technique or identification information (column 17 lines 10-15).

As to claims 5 and 35, Shkedy teaches a transaction database that records information about the transfer of the funds (column 10 lines 58-62 and Fig. 2).

As to claims 6 and 36, Shkedy teaches wherein the wireless device includes at least one of a personal digital assistant (PDA) and a cellular telephone, a household appliance (column 6 lines 40-45 and column 8 lines 57-65 and column 9 lines 12-14).

As to claims 8 and 38, Shkedy teaches the user information comprises at least one of personal information about the user, a name and an address (column 10 lines 1-25).

As to claims 9 and 39, Shkedy teaches a security device that encrypts information and monitors user information (column 10 line 63 – column 11 line 17).

As to claim 41, Shkedy teaches wherein the monetary transaction information includes information identifying the device, and wherein the identification information comprises an electronic number identifier (column 10 lines 48-62 and column 13 line 62 – column 14 line 5).

(10) Response to Argument

The appellant argues that Shkedy fails to teach receiving payee information from a wireless device associated with a user. Examiner respectfully disagrees. First, Shkedy teaches the user (or the buyer) submits a forward purchase order (FPO) that includes potential payee information such as particular product that the user is looking

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to purchase (column 5 lines 2-35). Secondly, the user uses commonly known in the art payment methods (column 18 lines 45-48) to complete the purchase, such as credit card, personal check, electronic funds transfer (column 18 lines 38-43). As well known in the art, the purchaser is required to submit payee information (i.e. seller, intermediary) in order for process the payment. Furthermore, Shkedy teaches the user uses cellular, satellite, PDAs, etc. for transmitting information (column 8 lines 60-65 and column 14 lines 30-32) that would satisfies the limitation of using a wireless device. Thus, examiner believes that Shkedy clearly teaches receiving payee information from a wireless device associated with a user.

All other arguments are based on the issue discussed above; thus, the arguments are reversed on the same basis.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Mary Cheung

February 28, 2006


MARY D. CHEUNG
PRIMARY EXAMINER

Conferees:

James Trammell 

Hyung Sough 